

REMARKS

With respect to paragraph 1 of the Examiner's Report mailed August 5, 2003, the applicant acknowledges with thanks, the Examiner's reconsideration of the finality of the rejection in the Office Action mailed June 10, 2003. The applicant appreciates that a non-final Office Action was issued on August 5, 2003. This is in response to that Office Action.

A. DRAWINGS

As the Official Draft Person had objected to the previous drawings, further better quality drawings have been prepared and as submitted herewith. For the Examiner's and the Official Draft Person's convenience, a confirmation copy of this amendment is being mailed today, together with a separate letter addressed to the Patent Drawing Review and an additional copy of the present drawings.

B. CLAIMS

The claims have been amended to more clearly and explicitly define the present invention. In particular, independent claims 1 and 21 have been amended to recite subject matter previously recited in claims 2 and 7. Claims 2 and 7 have been amended to remove this subject matter in order to avoid redundancy. In view of the incorporation of subject matter from the dependent claims 2 and 7 into the independent claims 1 and 21, it is respectfully submitted that this amendment does not necessitate a further search.

In particular, claims 1 and 21 have been amended to recite that the base comprises an upper stage and a lower stage wherein the lower and upper stages are rotatable relative to one another about a substantially vertical axis, which subject matter was recited in previous claim 7. Furthermore, claim 1 has been amended to more clearly recite that the video monitor is secured

to the upper stage and that the upper stage is rotatably mounted to the lower stage which was recited in independent claims 2 and 7. Claims 1 and 21 now recite that the upper stage of the base rotates relative to the lower stage to thereby move the monitor in response to input control signals to thereby enable the remote conferee to project a sense of presence into the group meeting as was recited in previous claims 2 and 7.

Prior Art Objection to Independent Claims 1 and 21

The Examiner has objected to previous claims 1 to 6, 8 to 16, 18 and 21 as being obvious in view of the applied references, namely, U.S. Patent 5,808,663 to Okaya and U.S. Patent 5,802,494 to Kuno. The Examiner is respectfully requested to reconsider and withdraw this objection in view of the amendments to the claims and at least for the following reasons.

The applicant acknowledges the Examiner's comment that Okaya discloses "a base (12), and a media unit (14), wherein the media unit (14) includes a video monitor (16) movably mounted to the base for receiving and displaying an image of the remote conferee". It is noted that Okaya discloses at column 2, line 49 to line 53 that the "multimedia carousel 10 includes a base 12 and a media unit 14 connected to the base 12 such that it is freely rotatable about a vertical axis A through the center of the media unit 14 and the base 12 as indicated by an arrow B". Therefore, Okaya discloses that the lower part of the multimedia carousel 10, namely the base 12, rotates with respect to the upper part of the multimedia carousel 10, namely the media unit 14, **but the base 12 is stationary and the upper part, namely the media unit 14, contains the display panel 16 and camera 18.** The lower portion of the multimedia carousel 10, namely the base 12, does not contain any display or camera and does not move.

The Examiner has stated in the Examiner's Report on page 3 that "Okaya differs from the claimed invention in not specifically teaching control means mounted on the base for moving the video monitor and video camera in response to an input control signal derived from a remote signal generated by the remote conferee so that the video monitor and the video camera move in response to the input control signal". The Examiner has relied on Kuno to disclose the subject matter of a monitoring system enabling a remote physician to observe and communicate with one or more subjects wherein the data acquiring section comprises a robot 5 "including a display and a camera and a control signal is supplied from the monitor section to the data acquiring section for moving the camera as well as the display, in order to get a clear image of the subjects".

With respect to the subject matter of previous claim 2, which has now been incorporated into present claim 1, the Examiner's comments mirrored those of claim 1 and claim 21. For the subject matter of claim 7, which has also now been incorporated into claim 1, it is respectfully submitted that the Examiner made no specific comment regarding the feature that "the video monitor is secured to the upper stage, and the lower and upper stages are rotatable relative to one another" which subject matter has now been recited in claim 1 and claim 21.

The Examiner is respectfully requested to reconsider and withdraw his objection at least in view of the amendments to claims 1 and 21 and in view of the fact that Kuno, even if it can be combined with Okaya, which is not admitted but denied at least for the reasons stated below, discloses that the display is located in the lower part of the robot while Okaya discloses that the display 16 is located in the upper portion or media unit 14. Specifically, reference is made to column 3, lines 40 to 42 of Kuno which states that the robot 5 "has a video camera in its

head, a microphone and a speaker mounted on its head and a display on its trunk, as is shown in Figure 4”. Furthermore, Kuno does not teach, suggest or disclose that the display can be rotatably mounted to the trunk of the robot 5. Rather, the trunk of the robot 5 is precisely the trunk body or lower portion of the robot 5. Therefore, the display in the trunk 5 cannot be moved without moving the entire trunk of the robot 5. This is disclosed at least at column 28, lines 26 to 33 of Kuno which state in part that the robot has a “drive mechanism incorporated in the trunk of the robot 5. When this mechanism is actuated, the robot 5 moves in any direction on the floor”. Therefore, while the robot 5 has drive mechanisms 5a, 5b and 5c incorporated in the neck of the robot 5 for moving the head left and right, backward and forward and up and down, the head only contains the video camera while the display is contained in the trunk of the robot 5. This also is consistent with Kuno relating to a monitoring system enabling a physician “to get a clear image of the subjects”, as stated in Kuno and echoed by the Examiner, because Kuno explicitly discloses that only the video camera in the head can rotate left and right, and the monitor located in the trunk cannot move in this manner.

Accordingly, Okaya shows that the display 16 is located in the upper media unit 14 and not in the lower base 12. By contrast, Kuno discloses that the display is located in the lower trunk 5 and not in the upper head. Furthermore, Kuno does not teach, suggest or disclose rotation of the monitor with respect to the robot 5 but rather requires rotation of the entire robot 5 in order to cause any movement whatsoever in the display contained in the trunk of the robot 5.

Therefore, it is respectfully submitted that even if Okaya and Kuno could be combined, which is not admitted but denied, neither Okaya nor Kuno singly or in combination teach, suggest or disclose the subject matter of present claims 1 and 21. In particular, present

claim 1 recites that the “video monitor is secured to the upper stage and the upper stage is rotatably mounted to the lower stage, said video monitor receiving and displaying an image of the remote conferee”, and that “said upper stage to which said video monitor is secured and said video camera move in response to said input control signal to enable the remote conferee to project a sense of presence into the group meeting”. It is respectfully submitted that neither Okaya nor Kuno, singly or in combination, teach, suggest or disclose that the upper stage to which the video monitor is secured moves in response to input control signal. At best, Okaya discloses having the display at the upper portion of the multi media carousel 10, but there is no teaching or disclosure in Okaya of moving the video monitor in response to an input control signal, as also admitted by the Examiner. Likewise, it is respectfully submitted that Kuno does not disclose that the video monitor in the trunk of the robot 5 can move with respect to the robot 5. At best, Kuno discloses a robot which in its entirety including a display, can move “in any direction on the floor”. By contrast, present amended claims 1 and 21 recite that the base has an upper stage and a lower stage which are rotatable relative to one another about a substantially vertical axis and that the upper stage to which the video monitor is secured moves in response to the input control signal. Kuno does not teach, suggest or disclose any manner for moving the video monitor relative to another portion of the robot. At best, Kuno discloses moving the video monitor together with the entire robot 5 in any direction on the floor. However, there is no teaching in Kuno, nor Okaya, of the “video monitor is secured to the upper stage and the upper stage is rotatably mounted to the lower stage, said video monitor receiving and displaying an image of the remote conferee, a video camera movably mounted on the base, control means mounted on the base for moving the video monitor secured to the upper stage and the video

camera in response to an input control signal and wherein said upper stage to which said video monitor is secured and said video camera move in response to said input control signal to enable the remote conferee to project a sense of presence into the group meeting” as recited in present claim 1. Therefore, it is respectfully submitted that claims 1 and 21 recite patentably distinguishable subject matter in view of the applied references at least for this reason.

Furthermore, neither Kuno nor Okaya singly or in combination, teach, suggest or disclose that “the control means moves the upper stage to which the video monitor and the video camera is secured in response to input control signal to enable the remote conferee to project a sense of presence into the group meeting” as recited in amended claim 1. Clearly, the robot 5 of Kuno cannot project a sense of presence into the group meeting because the image of the remote conferee is located in the trunk of the robot rather than in its head, which is an unnatural location for the image to be located. Furthermore, the robot 5 of Kuno cannot permit the image displayed or the video monitor to move apart from moving the entire robot 5, which is also an unnatural projection of the remote conferee into the room. Therefore, it is respectfully submitted that neither Kuno nor Okaya teach, suggest or disclose “said upper stage to which said video monitor is secured and said video camera move in response to said control signal to enable the remote conferee to project a sense of presence into the group meeting”. In other words, ***neither Kuno nor Okaya singly or in combination, teach, suggest or disclose moving a video monitor connected to an upper stage of the base in response to remote control signals “to project a sense of presence into the group meeting”***. Accordingly, at least for this reason, it is respectfully submitted that amended claims 1 and 21 recite patentably distinguishable subject matter in view of the applied references.

Okaya and Kuno Not Combinable References

Furthermore, it is respectfully submitted that there is no teaching, suggestion or disclosure to combine Okaya and Kuno, absent impermissible hindsight reconstruction based on the applicant's own disclosure. This is the case at least because Kuno does not relate to teleconferencing or face to face conversation. Rather, as correctly indicated by the Examiner, "Kuno teaches a monitoring system enabling a remote physician, i.e, a remote conferee , located at a monitor section (2, Figure 1) to observe and communicate with one or more subjects located at data acquiring section (1, Figure 1)". Kuno's principal concern is to monitor a patient without causing stress to the patient and without causing a burden on the physician. This is disclosed at least at column 1, line 33 to line 53 of Kuno. In particular, Kuno states at column 1, lines 49 to 53 "the object of the present invention is to provide a monitor system for observing a subject only when necessary and proper, so that a physician is relieved from the burden of continuously watching a monitor CRT display, and the subject need not have his or her privacy invaded at all". It is respectfully submitted that there is no motivation in Okaya nor Kuno for combining the robot 5 of Kuno, which is intended to relieve "the burden of continuously watching a monitor CRT display" and respecting a patient's need for privacy, with the multi media carousel 10 of Okaya, absent improper hindsight reconstruction based on the applicant's own application. Therefore, it is respectfully submitted that there is no motivation to combine Okaya and Kuno for obviousness.

In this regard, the Examiner's attention is respectfully directed to the decision of *ACS Hospital Systems, Inc .v. Montefiore Hospital*, 221 USPQ 929, 932, 933 (Fed. Cir. 1984) where the Court stated:

“Obviousness cannot be established by combining the teaching of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined only if there is some suggestion or incentive to do so. The prior art of record fails to provide any such suggestion or incentive.” (Emphasis added)

It is respectfully submitted that the decision in **ACS Hospital Systems** is equally applicable to the present case. In particular, it is respectfully submitted that neither Okaya nor Kuno have any suggestion or teaching to support the combination. This is the case at least because Kuno teaches a monitoring system and does not disclose a teleconferencing robot. Nor does Kuno teach, suggest or disclose the desirability to have the video monitor move in response to the input control signal in order to “enable the remote conferee to project a sense of presence into the group meeting”. Rather, Kuno is primarily concerned with getting “a clear image of the subject” as also stated by the Examiner. This is consistent with Kuno only disclosing that the video camera is in the head of the robot can move left and right, backward, forward, up and down. There is no teaching or suggestion in Kuno that the video monitor should be able to move in any manner similar to the cameras. Likewise, Okaya has also indicated by the Examiner does “not specifically teach control means mounted on the base for moving the video monitor and video camera in response to input control signal derived from the remote signal”. Therefore, it is respectfully submitted that there would be no motivation, absent improper hindsight reconstruction based on the applicant’s own disclosure, to combine the teaching of Okaya and Kuno.

Furthermore, reference is also respectfully made to the decision *Ex parte Clapp*, 227 USPQ 972, 973 (B.P.A.I. 1985) where it was stated:

“In the instant application, the examiner has done little more than cite references to show that one or more elements or subcombinations thereof, when each is viewed in a vacuum, is known. The claimed invention, however, is clearly directed to a combination of elements. That is to say, appellant does not claim that he has invented one or more new elements but has presented claims to a new combination of elements. To support the conclusion that the claimed combination is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed combination or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references... Based upon the record before us, we are convinced that the artisan would not have found it obvious to selectively pick and choose elements or concepts from the various references so as to arrive at the claimed invention without using the claims as a guide. It is to be noted that simplicity and hindsight are not proper criteria for resolving the issue of obviousness”. (Emphasis added)

As stated in the decision **Ex parte Clapp**, it is respectfully submitted that it would not have been obvious for a person skilled in the art to pick and choose the elements or concepts from the various references, namely Kuno and Okaya, so as to arrive that the claimed invention without using the claims as a guide. It is respectfully submitted that there is no teaching in Okaya nor Kuno, to combine the two references to arrive that claimed invention absent using the present claims as an improper guide. Furthermore, at least for the reason stated above, even if Okaya and Kuno are combined, it is respectfully submitted that even in this case not all of the features recited in the present claims are disclosed by them, singly or in combination. Furthermore, as also stated in the **Ex part Clapp** decision, it is to be noted that “simplicity and hindsight are not proper criteria for resolving the issue of obviousness”. Rather, it is respectfully submitted that the prior art references should clearly disclose or suggest the desirability of the combination of elements otherwise there can be no finding of obviousness.

Accordingly, at least for the above reasons, it is respectfully submitted that Okaya and Kuno cannot be properly combined for obviousness at least because there is no suggestion or incentive to do so absent improper hindsight re-construction using the applicant's own claims and present application as a guide. Therefore, it is respectfully submitted that Okaya and Kuno could not be properly combined for obviousness.

Prior art objection to claims 2 to 19

With respect to the dependent claims 2 to 19, it is respectfully submitted that the dependent claims recite patentably distinguishable subject matter in view of the prior art at least for the same reasons as stated above with respect to claim 1 because each of the dependent claims are directly or indirectly dependent from claim 1.

(i) Claims 2 and 3

Furthermore, with respect to claim 2 in particular, it is respectfully submitted that claim 2 recites "wherein the control means includes a rotating drive unit for rotation of the video monitor". The Examiner's indication that "Okaya does not specifically teach the control means including a rotating drive to rotate the video monitor and video camera" is acknowledged with thanks. The Examiner has indicated that "Kuno teaches to move the robot and camera built in the robot in response to a remote signal". However, at least for the reasons stated above, it is respectfully submitted that Kuno does not disclose rotating the upper stage, to which the video monitor is secured, with respect to the lower stage of the base. At best, Kuno discloses that the entire robot including the video monitor can be moved across the floor. At best, Okaya discloses that the upper multimedia unit can rotate with respect to the lower base 12, but as acknowledged by the Examiner, "Okaya does not specifically teach the control means including a rotating drive

to rotate the video monitor and video camera”. Therefore, it is respectfully submitted that claim 2 is patentable at least because neither Okaya nor Kuno, singly or in combination, disclose “a rotating drive unit for rotation of the video monitor”. It is also respectfully noted that independent claim 21 was amended to explicitly recite “control means including a rotating drive unit for rotating the upper stage containing the video monitor relative to the lower stage in response to an input control signal derived from a remote signal generated by the remote conferee”. Therefore, it is respectfully submitted that claim 21 also recites the subject matter of present dependent claim 2 and therefore is patentable at least for the same reasons.

Similarly, dependent claim 3 recites that “the video camera is rotatably mounted with the video monitor to the base unit; and wherein the rotating drive unit rotates the video monitor and the video camera”. It is respectfully submitted that neither Kuno nor Okaya teach, suggest or disclose a rotating drive unit which can rotate both the video monitor and the video camera. In particular, it is respectfully submitted that Okaya does not teach, suggest or disclose a control means including a rotating drive means to rotate the video monitor, as also acknowledged by the Examiner. Furthermore, Kuno does not teach, suggest or disclose a rotating drive unit which can rotate the video monitor at least for the reasons stated above. Therefore, it is respectfully submitted that dependent claims 2 and 3 recite patentably distinguishable subject matter in view of both Okaya and Kuno.

(ii) Claim 6

With respect to claim 6, it is respectfully submitted that claim 6 recites the input control signal is optionally derived from a sound source detection means that represents a direction of the sound source with respect to the monitor and that the control means is adapted

“to drive said video monitor, in response to said control signal, to a position substantially facing said detected direction”. It is respectfully submitted that neither Okaya nor Kuno, singly or in combination, teach, suggest or disclose driving the video monitor to substantially face the detected direction of the sound source. The Examiner has specifically referred to column 2, lines 65 to 67, of Okaya in support of the position that Okaya discloses driving the video camera and video monitor to a particular direction in response to the control signal. However, this passage in Okaya merely states that “the cameras 18 are voice-activated CCD cameras, while the display panels 16 are active matrix displays.” Accordingly, at best, Okaya discloses that the cameras 18 are activated in response to voice or sound, but this does not teach, suggest or disclose that the cameras “control means being adapted to drive said video monitor, in response to said control signal, to a position substantially facing said detected direction” as recited in claim 6.

Furthermore, the Examiner appears to have already acknowledged with respect to claim 1 that “Okaya differs from the claimed invention in not specifically teaching control means mounted on the base for moving the video monitor and video camera in response to an input control signal”. Therefore, if Okaya does not specifically teach the control means mounted on the base for moving the video monitor and video camera in response to an input control signal then Okaya clearly does not disclose “control means being adapted to drive said video monitor, in response to said control signal, to a position substantially facing said detected direction” as recited in claim 6. Therefore, the Examiner is respectfully requested to reconsider and withdraw the objection to claim 6 at least for the above reasons.

(iii) Claim 8

Furthermore, the Examiner is respectfully requested to reconsider and withdraw the objection to claim 8. Claim 8 recites “wherein the base comprises an upper part on which the video monitor is mounted and a lower part, and means for *vertically displacing* the upper and lower parts relative to one another”. The Examiner has indicated that Okaya discloses the base comprising an upper part on which the video monitor is mounted and a lower part and means for vertically displacing the upper and lower parts relative to one another and has specifically referred to Figure 1 of Okaya.

With respect, Figure 1 of Okaya does not disclose vertically displacing the upper and lower parts with respect to one another. The phrase “vertically displacing” means moving up and down the upper part with respect to the lower part in a vertical direction. This is illustrated, for instance, in Figures 4a, 4b, 4c, 7a, 7b and 7c of the present application which illustrates the video monitor moving upwards in a vertical direction. It is respectfully submitted that Figure 1 of Okaya clearly does not disclose “means for vertically displacing the upper and lower parts relative to one another”. In fact, it is respectfully submitted that Okaya does not teach, suggest or disclose that the media unit 14 could be vertically displaced with respect to the base 12 in any manner whatsoever let alone disclosing a means for vertically displacing the media unit 14 with respect to the base 12. Therefore, it is respectfully submitted that claim 8 recites patentably distinguishable subject matter in view of Okaya at least for this reason.

(iv) Claim 15

The Examiner has also objected to claim 15 as being obvious in view of Okaya on the basis that Okaya teaches microphone array means for enabling a location of a speaker to be

determined and “generating a detection signal indicative of the location of the speaker”.

However, it is respectfully submitted that claim 15 also recites “wherein the input control signal is derived from the detection signal and causes the rotating drive unit to rotate the video monitor to a position substantially facing the location of the speaker.” It is respectfully submitted that neither Okaya nor Kuno, singly or in combination, teach, suggest or disclose an input control signal which is “derived from the detection signal causes the rotating drive unit to rotate the video monitor to a position substantially facing the location of the speaker”, at least for the reasons stated above with respect to claim 6 which recites “control means being adapted to drive said video monitor, in response to said control signal, to a position substantially facing said detected position”. Therefore, it is respectfully submitted that claim 15 recites patentably distinguishable subject matter in view of the applied references at least for this reason also.

(v) Claim 18

The Examiner has also objected to claim 18 on the basis that Okaya teaches “the video camera rotating substantially about the vertical axis”. However, it is respectfully submitted that claim 18 recites “wherein a screen of the video monitor is positioned near the vertical axis about which the video monitor rotates; and wherein the video camera rotates substantially about the vertical axis”. It is respectfully submitted that Okaya does not teach, suggest or disclose that the screen of the video monitor “is positioned near the vertical axis about which the video monitor rotates”. Rather, as indicated above and as disclosed in Okaya, the media unit 14 includes a display panel 16 on the outer periphery. However, Okaya clearly discloses that the media unit 14 “is freely rotatable about a vertical axis A through the center of the media unit 14 and the base 12 as indicated by an arrow B”. Therefore, the display panel 16

of the media unit 14 in Okaya is not “positioned near the vertical axis about which the video monitor rotates”. Rather, Okaya discloses that the vertical axis A passes through the center of the media unit 14 while the display panel 16 is at the periphery. Therefore, neither Kuno nor Okaya disclose the subject matter recited in present claim 18.

Furthermore, Okaya does not teach, suggest or disclose the advantage of this feature, namely, that by having the screen of the video monitor positioned near the vertical axis about which the video monitor rotates, the video monitor may be viewed from a wider angle, especially for those conferees who are sitting on either side enclosed for video monitor. This is disclosed in more detail at least at disclosure page 7, lines 6 to 16 of the present application. It is respectfully submitted that Okaya does not teach this feature. In fact, teaches away from this feature by disclosing that the axis A passes through the center of the media unit 14.

Furthermore, Kuno does not teach, suggest or disclose this feature at least because Kuno does not teach, suggest or disclose that the display is rotated about an axis at all. Accordingly, it is respectfully submitted that claim 18 recites patentably distinguishable subject matter in view of the applied references for this reason also.

It is submitted that the foregoing amendments are such as to comply with the formal matters raised in the Official Action and this application is in a condition for allowance.

If for any reason the Examiner is of the view that this application is not in a condition for allowance, the Examiner is requested to telephone the undersigned at 1-416-961-5000 so that an interview or telephone conference may be arranged to expedite allowance of this case.

It is hereby petitioned under 37 CFR 1-1336 that the response term of this application be extended, if necessary, to a date which would include the filing date of the present amendment and the Commissioner is hereby authorized to charge any necessary extension fee to deposit account no. 18-1350, under an order number corresponding to attorney docket number P150299.

Favourable consideration and disposition is respectfully requested.

Respectfully requested

**SMITH, Graham Thomas and FELS,
Deborah Ingrid and TREVIRANUS, Jutta**

JP/cbo/sll

Encl.

Ret. Ack. Card

Formal Figures 1, 2a, 2b, 2c, 3, 4a,
4b, 4c, 5, 6a, 6b, 6c, 7a, 7b, 7c, 8a, 8b,
8c, 8d, 9, 10, 11a, 11b, 12, 13, 14a, 14b

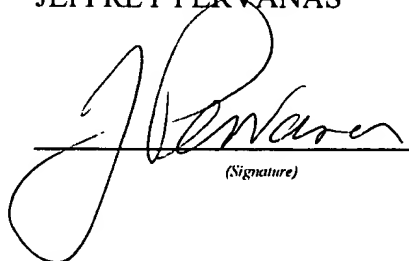
By: 

Jeffrey Pervanas
Reg. No. 41,543

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. (703) 872-9314 on December 12, 2003.

JEFFREY PERVANAS


(Signature)